

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

COMMUNITY STATE BANK

PLAINTIFF

v.

Case No. 4:18-cv-4078

MAXINE WILSON; CARRIE W.
WINFORD, ADMINISTRATRIX
FOR THE ESTATE OF JENNIFER
HARTING WILSON; and J. SCHUYLER
MARVIN, DISTRICT ATTORNEY

DEFENDANTS

GARY WILSON

INTERVENOR

ORDER

Before the Court is Defendant J. Schuyler Marvin's Motion to Dismiss. (ECF No. 62). Plaintiff Community State Bank filed a response. (ECF No. 65). Intervenor Gary Wilson also filed a response. (ECF No. 66). Defendant Marvin filed a reply. (ECF No. 67). The Court finds the matter ripe for consideration.

On February 12, 2019, Defendant moved for dismissal, arguing that the Court should abstain from hearing this case. On March 12, 2019, Plaintiff filed an amended complaint. (ECF No. 70). Plaintiff's original complaint (ECF No. 1) is now inoperative and superseded by the amended complaint. Accordingly, the Court finds that Defendant Marvin's motion to dismiss (ECF No. 62), which is directed to the original complaint, should be and hereby is **DENIED AS MOOT**. Defendant Marvin may refile the motion, directed to the amended complaint.

IT IS SO ORDERED, this 12th day of March, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge